

REMARKS

Claims 28-36 were rejected. Claim 28 was amended. Claims 25-27 were withdrawn. Claims 28-36 remain pending in the present application. For the reasons set forth below, Applicants respectfully request withdrawal of all rejections upon reconsideration.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 28-32, 35, and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 4,851,621 to Borchardt et al. (“Borchardt”). As described further below, it is respectfully submitted that Borchardt fails to disclose or suggest an actuator switch having an outer housing that comprises a locking-tab that interlocks with at least one gap, as recited by claim 28.

Borchardt relates to handles for operating electrical switching apparatus housed in an enclosure (Borchardt, col. 1, lines 9-11). The Office Action states that Borchardt discloses an actuator switch comprising an inner actuator (26, 46) comprising ribs (compartments on cylinder 46 and the edge of element 26) separated by at least one gap (the gap between slot portion 44 and disk 26), and an outer housing (18, 50) comprises a locking-tab (36), the locking-tab (36) corresponding to the at least one gap for interlocking (Office Action at p. 2).

However, Borchardt does not disclose or suggest an “outer housing comprises a locking-tab, the locking-tab interlocking with the at least one gap,” as recited by claim 28. Borchardt describes element 36 as an axial groove located in the base 18. (Borchardt, col. 3, lines 31-32). An axial groove is completely different than a locking-tab.

More particularly, as depicted in Figure 2 of Borchardt, axial groove 36 interacts with the lower portion 39. However, Figure 2 does not depict, disclose, or otherwise suggest, axial groove 36 as a locking-tab, nor does Figure 2 depict, disclose, or otherwise suggest lower portion 39 as a gap. It is respectfully submitted, therefore, that element 36 of Borchardt is not a locking-tab, but a groove.

However, even if element 36 is considered to be a locking-tab as stated in the Office Action, the space between the cylindrical portion 46 and the edge of disk shaped portion 26 in Borchardt, as cited in the Office Action, is completely dissimilar to the gap of claim 28, and in fact, is not used for interlocking with element 36 or any other element of the Borchardt

device. Thus, Borchardt cannot disclose or suggest a gap that is used for interlocking with a locking-tab.

Based on the foregoing, claim 28 should not be rejected as anticipated by Borchardt, and all claims dependent from claim 28, including claims 29-32, 35, and 36 should not be rejected as anticipated by Borchardt, and are thus patentable for at least the reasons set forth above. Therefore, withdrawal of the rejections of claims 28-32, 35, and 36 under 35 U.S.C. § 102(b) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt. Claim 33 is dependent on claim 28, and is thus patentable for at least the reasons set forth above. Withdrawal of the rejection of claim 33 under 35 U.S.C. § 103(a) is respectfully requested.

Claim 34 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt in view of U.S. patent no. 5,949,038 to Amonett (“Amonett”). Claim 34 is dependent on claim 28, and therefore, includes the features described above. Amonett fails to cure the deficiencies of Borchardt. Amonett merely describes an appliance timer with various components, but fails to disclose or suggest an outer housing that comprises a locking-tab, the locking-tab interlocking with the at least one gap, as recited by the claims. Thus, claim 34 is patentable for at least the reasons set forth above. Withdrawal of the rejection of claim 34 under 35 U.S.C. § 103(a) is respectfully requested.

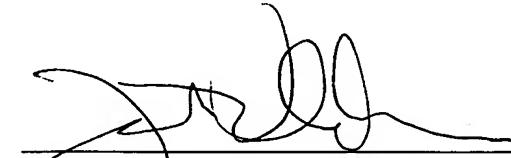
DOCKET NO.: ELSE-0825/B990064
Application No.: 10/724,681
Office Action Dated: December 21, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Jonathan M. Waldman at (215) 568-3100, to discuss resolution of any remaining issues.

Date: February 18, 2005



Jonathan M. Waldman
Registration No. 40,861

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439